

**REMARKS**

Claims 1-25 are pending. Applicants propose amendment of claim 1. Entry of the amendment after final rejection is earnestly solicited.

Claims 1, 2, 4, 5 and 7-9 were again rejected under 35 USC §102(b) as being anticipated by Echigo et al. (JP' 791). From the Examiner's response to the prior arguments beginning on page 6 of the Office Action, it is apparent that the Examiner is broadly construing the terms of the claims. Applicants propose amendment of claim 1 in response to the Examiner's construction. More specifically, applicants propose amendment of claim 1 as to specify said biasing member applying a biasing force to said pressing roller in a direction intersecting with a plane connecting the respective center axes of said fixing roller and said pressing roller.

In contrast thereto, JP '791 teaches that the heating roller 10 and pressing roller 20 are biased so as to intersect each other such that an angle  $\theta$  is defined between the central axis of pressing roller 20 and the central axis of the heating roller 10, as shown in Figs. 3 and 4 thereof. Such is in contrast to the claimed invention.

Claims 1 and 3 were again rejected under 35 USC §102(b) as being anticipated by Moriya (JP' 800). Favorable reconsideration of this rejection is requested in view of the proposed amendments made herein.

Claims 1-4 and 8 were rejected under 35 USC §102(a) as being anticipated by Hamada et al. (JP'981). As noted in the prior response, the translation of the inventor's name can be

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“Higashi” or “Azuma.” Furthermore, it has been shown that Hamada et al. is based on Japanese Application No. 2001-248,034. U.S Patent No. 6,763,218, naming the same inventors as the present application, claims priority of Japanese Application No. 2001-248,034 (see the electronic records of the USPTO for U.S. Patent No. 6,763,218). It is believed that sufficient evidence has been made of record to show that the identical inventors have been named. In any event, applicants are in the process of preparing a declaration as further evidence that the identical inventors are named in the present application and JP 2003-057981. The declaration will be filed as soon as it is received by the undersigned attorney.

Claim 6 was rejected under 35 USC §103(a) as being unpatentable over Echigo et al. (JP’791) in view of Matsushige (JP’ 073). Favorable reconsideration of this rejection is earnestly solicited.

It is believed that Matsushige fails to provide the teachings which Echigo et al. lacks, as discussed above.

For at least the foregoing reasons, the claimed invention distinguishes over the cited art and defines patentable subject matter. Favorable reconsideration is earnestly solicited.

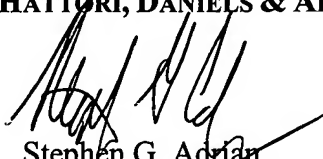
Should the Examiner deem that any further action by applicants would be desirable to place the application in condition for allowance, the Examiner is encouraged to telephone applicants’ undersigned attorney.

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If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

**WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP**

A handwritten signature in black ink, appearing to read 'Stephen G. Adrian', is written over the printed name.

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